



Montana Fish, Wildlife & Parks

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(406) 444-2452

ENVIRONMENTAL ASSESSMENT CHECKLIST

Fur Farm, Game Bird Farm, Zoo/Menagerie, Shooting Preserve

PART 1. PROPOSED ACTION DESCRIPTION

Project Title: Jessi Knudsen & Augusto Castaneda Roadside Menagerie

Application Date: March 6, 2009

Name, Address and Phone Number: Jessi Knudsen & Augusto Castaneda : 2355 Swanson
Meadows Road : Potomac, MT : 59823 : (406) 244-5484

Project Location: That part of Section 25, Township 13N, Range 16W, described as PLAT
P13, PARCEL 026, COS 4956 TRACT 26A IN SW4 PLAT P13 25-13-16, 25AC on the
Montana Cadastral Mapping Program.

Description of Project: Roadside menageries are regulated through the provisions set forth in 87-4-801 et al, MCA, the Administrative Rules of Montana and license stipulations, if any, established through the permitting process. Roadside menageries allow the possession of some animals that are normally restricted in the state of Montana and also allow for using animals for exhibition or attracting trade.

On March 6, 2009 Montana Fish, Wildlife & Parks (FWP) Helena Headquarters received an application for a roadside menagerie permit from Jessi Knudsen and Augusto Castaneda at 2355 Swanson Meadows Road in Potomac, MT. The application was then sent to the Region 2 FWP Headquarters in Missoula for processing and an Environmental Assessment. The application was for the following animals:

- 1 Chinchilla (*Chinchilla langera*)
- 2 Sugar Glider (*Peteaurua breviceps*)
- 1 Rat (*Rattus norvegicus*)
- 1 Umbrella Cockatoo (*Cacatua alba*)
- 1 Lilac Crowned Amazon Parrot (*Amazona finschi*)
- 1 Red Lored Amazon Parrot (*Amazona autumnalis*)
- 2 Sun Conure (*Aratinga solstitialis*)

- 2 Pacific Parrotlet (*Forpus coelestis*)
- 5 Pidgeon (*Columba livia*)
- 1 Columbia Tegu (*Tupinambus tequixin*)
- 1 Bearded Dragon (*Pagona vitticeps*)
- 1 Leopard Gecko (*Eublepharis macularius*)
- 1 African Pixie Frog (*Pyxicephalus adspersus*)
- 1 Red Footed Tortoise (*Geochelone carbonaria*)
- 1 Red Tailed Boa (*Boa constrictor*)
- 1 Mexican Black Kingsnake (*Lampropeltis getula nagrita*)
- 1 Corn Snake (*Elaphe guttata*)
- 1 Kenya Sand Boa (*Gongylophis colubrinus*)
- 1 Emperor Scorpion (*Pandinus imperator*)
- 2 Chilean Rose Haired Tarantula (*Grammostola rosea*)
- 10 Madagascar Hissing Cockroach (*Gromphadorhina portentosa*)
- 1 Sinaloa/Pueblan Milksnake (*Lampropeltis triangulum sinaloae*)
- 1 White Cheeked Turaco (*Tauraco leucotis*)
- 1 African pygmy hedgehog (*Atelerix albiventris* x *Atelerix algirus*)

The applicant proposes two enclosures. The first is an insulated building with indoor enclosures containing glass aquariums, welded wire enclosures, and wood framed welded wire enclosures. Enclosures are in two rooms that are finished with sheet rock and are within their normal living domicile, which can be locked when animals are left unattended. Within these rooms all animals are in secure metal bird cages, glass aquariums, or plastic sealable totes. All cages, aquariums, and totes have a latch system or lid keeping the animals contained. The second enclosure is an outdoor enclosure that is to be built of wood frame and wood siding and is finished with sheet rock. The outdoor enclosure is approximately 10 feet by 8 feet by 8 feet. The outdoor enclosure has a locking door as the entrance. Within the outdoor enclosure all animals are in secure metal bird cages, glass aquariums, or plastic sealable totes. All cages, aquariums, totes, or devices used to hold animals are appropriately labeled as required by FWP.

The applicant plans to show or exhibit the animals off site at schools in the Missoula and surrounding areas. Devices used to transport these animals will be the cages, aquariums, plastic totes, pet carriers, or other secure plastic tote like devices. The application was reviewed and determined to be complete on March 29, 2009 by FWP. In accordance with the Montana Environmental Policy Act, FWP is required to prepare an Environmental Assessment (EA).

The EA considers the impacts to the physical and human environments if a roadside menagerie permit is granted. Three alternatives were considered: 1) Do not issue the permit (no action); 2) issue the permit; and, 3) issue the permit with stipulations to mitigate identified impacts. If a permit is issued FWP has further responsibility to inspect and approve cages and facilities for size, strength and general animal welfare (ARM 12.6.1532).

Other groups or agencies contacted or which may have overlapping jurisdiction: The USDA has already issued a Class C Exhibitor permit to Jessi Knudsen and Augusto Castaneda. FWP checked by telephone on 3/27/2009 with Missoula County to see if they had any restrictions on these animals. It appears that Missoula County has no restrictions on these animals.

PART 2. ENVIRONMENTAL REVIEW

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below Or On Attached Pages
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats				X		
3. Introduction of new species into an area			X		X	1.1
4. Vegetation cover, quantity & quality				X		
5. Water quality, quantity & distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology & soil quality, stability & moisture				X		
8. Air quality or objectionable odors			X		X	1.2
9. Historical & archaeological sites				X		
10. Demands on environmental resources of land, water, air & energy				X		
11. Aesthetics				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

- 1.1 None of the animals they currently possess are prohibited species for private possession in Montana, however, there are two species in their possession that are not on any of the FWP species lists (Chilean Rose Haired Tarantula and the Madagascar Hissing Cockroach). There may be some concerns that if they escaped they may survive and breed in Montana, but the probability of that is unlikely. In addition, the facilities as designed seem sufficient to hold the animals, prevent escape, and allow for substantive living conditions as seen during site visit.
- 1.2 Some odors are expected to be associated with the facility, although it is not expected they would reach neighboring residences. It is the licensee's responsibility to ensure routine sanitation is conducted for the general welfare of the animals and insects and to reduce odors that could attract other animals or become a human health and safety hazard. Facilities appeared to be kept clean and odors were very minimal during site visit.

Table 2. Potential impacts on human environment .

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below Or On Attached Pages
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health			X			2.1
6. Quantity & distribution of community & personal income				X		
7. Access to & quality of recreational activities				X		
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution & density of population and housing				X		
10. Demands for government services			X		X	2.2
11. Industrial and/or commercial activity				X		

Comments

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

- 2.1 Potential for public contact with the animals and transfer of zoonotic diseases. Contact will be limited with these animals and any contact will be followed with a requirement for hand wash stations or hand sanitization.
- 2.2 FWP has the responsibility under 87-4-801 et al, MCA, to provide and review applications for roadside menageries and under 87-4-806 et al, MCA, to conduct periodic inspections of these roadside menageries. The process involves both the Wildlife and Enforcement Divisions of FWP. Licensees have the responsibility for cage construction, animal welfare, and record keeping. Other state and local ordinances regarding animal welfare may also apply. If the animals are exhibited offsite, FWP must ensure that the animals are transported to and from the exhibition locations in a suitable cage. Exhibition offsite will require authorization from FWP and the applicant will be required to sign an indemnity agreement indemnifying FWP should any property damage or personal injury take place. *(this is consistent with the FWP policy regarding offsite exhibition of roadside menagerie animals –copy attached)*. In the event the facility is not being run in accordance with the applicable statutes or agreements FWP can impose stipulations, fines, confiscate animals, and revoke permits without right of renewal.

Based on the significance criteria evaluated in this EA, is an EIS required (YES/NO)? If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action.

No – There are no potentially significant impacts identified in this EA.

Does the proposed action involve potential risks or adverse effects, which are uncertain but extremely harmful if they were to occur?

Potential, although unlikely risk of some of the animals to survive in Montana if they were to escape. Appropriate enclosures have been inspected prior to licensure, the possibility of escape and breeding is below any level of significance. Although, the Chilean Rose Haired Tarantula and the Madagascar Hissing Cockroaches do not exist on any of the FWP species lists so any information on adverse environmental effects they could cause is unknown.

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

No.

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:

Alternative 1: No Action. Under this alternative, a roadside menagerie license would not be issued. This alternative would only be adopted if the menagerie were prohibited by local ordinance; the applicant was unfit due to past violations pertaining to animal welfare or other applicable statutes; or, the EA or public comment identified significant impacts to the human or physical environments that could not be mitigated.

Alternative 2: Issue the license (Preferred Alternative). Under this alternative, the roadside menagerie license would be issued pending inspection and approval of the cages. The identified impacts to the human and physical environments were all judged to be minor and easily mitigated through routine sanitation, sound food storage, and sound cage design and construction – all required by MFWP statute and administrative rule.

Alternative 3: Issue the license with stipulations. Under this alternative the roadside menagerie license would be issued with stipulations to mitigate identified impacts.

List suggested conditions attached to this license:

1. FWP has the right and responsibility under 87-4-806 MCA to conduct periodic inspections of menageries. Other state and local ordinances regarding animal welfare

- may also apply.
2. Most of the animals currently possessed are non-controlled species for private possession in Montana. Two species, however, the Chilean Rose Haired Tarantula and the Madagascar Hissing Cockroach have not been classified and are therefore considered prohibited for private ownership. Breeding of those two species (and potentially sale of the offspring) would not be allowed under this permit until such time that the species were classified as non-controlled by the Classification Review committee.
 3. Addition of any species of animal to this permit or additional animals of the same species may only be done under authorization by FWP.
 4. If the animals are exhibited offsite, all FWP exhibition requirements for roadside menageries must be followed. FWP must ensure that the animals are transported to and from the exhibition locations in a suitable cage. Exhibition offsite will require authorization from FWP and the applicant will be required to sign an indemnity agreement indemnifying FWP should any property damage or personal injury take place. *(this is consistent with the FWP policy regarding offsite exhibition of roadside menagerie animals –copy attached)*
 5. In the event the facility is not being run in accordance with the applicable statutes or agreements FWP can impose stipulations, fines, confiscate animals, and revoke permits without right of renewal.

Individuals or groups contributing to, or commenting on, this EA:

Letters and copies of the EA need and will be sent to the surrounding landowners:

Circle Bar Ranch, LLC.
878 S. Morrison Ln.
Potomac, MT 59823

William H. McDaniel Jr.
2035 Swanson Meadows Rd.
Potomac, MT 59823

Robert and Kayrene Matye
2066 Swanson Meadows Rd.
Potomac, MT 59823

Paul A. Swenning
2380 Swanson Meadows Rd.
Potomac, MT 59823

Patrick L. Hayes
HC 70 Box 212
Potomac, MT 59823

State of Montana
Capital Building
Helena, MT 59601

The EA posted on the FWP website and made available for comment on April 28, 2009. In addition, a legal

advertisement will be posted in the local Missoula, MT and Seeley Lake, MT newspapers soliciting public comment. Written comments are due by May 15, 2009 and can be submitted to:

MT Fish, Wildlife & Parks

Attn: FWP Warden Aaron Berg
3201 Spurgin Rd.
Missoula, MT 59804
406-542-5500

Email address for comments: aberg@mt.gov

EA prepared by: FWP WARDEN AARON BERG

Date Completed: MARCH 29, 2009

PART 3. DECISION

Recommendation and justification concerning preparation of EIS: There were no significant impacts identified in this EA that would indicate the need for an EIS.

Describe public involvement, if any: Public comments were solicited by placing the EA on the FWP website at fwp.mt.gov, by sending copies of the EA to neighboring landowners, and by placing a legal advertisement in the Missoula newspaper soliciting public comment.

Recommendation for license approval: _____
Wildlife Manager Date

Warden Captain Date

Department of Fish, Wildlife & Parks
Exhibition Requirements for Roadside Menageries

- Requests for permission to take captive wildlife to shows, fairs, etc. must be received at least 10 working days (state working days) prior to the first date of departure. Failure to do so may result in denial of permission. This will allow the persons involved to prepare for the special circumstances involved with exhibitions.
- A request for exhibition must include a list of the animals to be exhibited; dates, times, and location of exhibition; a description of the enclosures or restraint to be used for exhibited animals; a listing of the personnel who will be involved with the exhibition; the licensee taking responsibility for the exhibition.
- An indemnity agreement is required for public exhibition of captive wildlife specifying the animals to be exhibited, dates of exhibition, and conditions under which the exhibition will be authorized. FWP will prepare the indemnity agreement indemnifying FWP. The licensee responsible for the exhibition must agree by signature to the conditions of the exhibition.
- If multiple exhibition sites are requested, complete information concerning dates, personnel involved, and animals exhibited must be submitted with the initial request.
- The applicant shall provide a current certificate of insurance to include personal injury and property damage coverage with combined single limits of a minimum of \$1,000,000, aggregate per year, from an insurer with a Best's rating of A- or better. FWP must be made additional insureds on the certificate. The certificate must be filed with FWP.
- The applicant taking primary responsibility for the exhibition must be a licensed roadside menagerie or wild animal menagerie operator who is in compliance with current FWP regulations for their licensed facility.
- Captive wildlife must be exhibited within enclosures capable of preventing escape of the animals. If animals are to be taken out of the enclosures for exhibition, a barricade providing a 20 foot separation from any member of the public must be employed. Only animals which are on a chain or leash and for which the trainer can demonstrate direct physical restraint may be exhibited outside of the enclosure.
- A barricade (rope or wire) will surround the primary enclosure or exhibition area to prevent direct public contact with the animals. Signs will be posted indicating that public contact is not allowed.
- A representative of the licensee must be present at all times that the animals are being exhibited. If animals are left in the enclosures overnight, security must be provided by the applicant. The responsible individual (signature on the indemnity agreement) must provide the names of the individuals assisting in overseeing the animals during exhibition.
- FWP may require additional stipulations as specific or changing circumstances regarding exhibition captive wildlife outside of licensed facilities occur.